

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MATTHEW J. SHARP, individually and on
behalf of all other similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.; and BANK OF
AMERICA CORPORATION,

Defendants.

Case No. 1:19-cv-05223

Honorable Charles P. Kocoras

**DEFENDANTS BANK OF AMERICA, N.A. AND BANK OF AMERICA
CORPORATION’S MOTION TO STRIKE PLAINTIFF’S NATIONWIDE CLASS
ALLEGATIONS**

Defendants Bank of America, N.A. (“BANA”) and Bank of America Corporation (“BAC,” and, with BANA, “Defendants”), by and through their attorneys, hereby move to strike plaintiff Matthew J. Sharp’s class allegations to the extent that they include putative class members who are not Illinois residents. As explained in the concurrently filed Memorandum, the U.S. Supreme Court has held that a state does not have specific jurisdiction over the claims of non-residents simply because other plaintiffs were injured in that state. *See Bristol-Myers Squibb Co. v. Super. Court*, 137 S. Ct. 1773, 1781 (2017). Because Plaintiff has not alleged any facts showing that the Court has personal jurisdiction over Defendants for claims on behalf of non-resident accountholders, the Complaint’s nationwide class allegations should be stricken. *See, e.g., Garvey v. Am. Bankers Ins. Co. of Fla.*, No. 17-CV-986, 2019 WL 2076299, at *2–3 (N.D. Ill. May 10, 2019).

This Motion is based on the concurrently filed Notice of Motion and Memorandum, the pleadings and other documents on file in this action, any other matters of which the Court may take judicial notice, and any oral argument of counsel.

Dated: October 11, 2019

Respectfully Submitted,
By: /s/ Elizabeth L. McKeen

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*Attorneys for Defendants Bank of America,
N.A. and Bank of America Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2019, I electronically filed the foregoing document with the clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the electronic Mail Notice List.

Executed on October 11, 2019, at Newport Beach, California.

/s/ Elizabeth L. McKeen

Elizabeth L. McKeen